In the High Court of Judicature at Madras

Dated: 04.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.41511 of 2002
and WPMP.No.61432 of 2002

N.B.Shankarappa ..Petitioner

..vs..

1. Union of India represented by
its Commandant,
CISF XI Res.Bn.
Arokonam, Suraksha Campus
Vellore District,
Tamil Nadu.

2. The Deputy Inspector
General/MEZ CISF,
41, Karaya Road,
Park Circus, Calcutta. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the order passed by the 1st respondent in Order No:V.15014/CISF/XIRB/DISC/2001/8722 dated 15.12.2001 and quash the same.

For Petitioner : Mr.N.Fidelin

For Respondents : Mr.C.Krishnan,
SCGSC.,

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ORDER

Aggrieved by the order of the Commandant, CISF X1 RB Arakkonam dated 15.12.2001, imposing a punishment, the petitioner has filed the above writ petition.

2. Heard the learned counsel for the petitioner as well as the respondents.

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3. It is not in dispute that against the impugned order, a further remedy, by way of an appeal lies to DIG CISF (SZ) Headquarters, 'D' Block, Rajaji Bhawan, Besant Nagar, Chennai-90, is available. For the reasons best known to the petitioner, it is not clear, instead of resorting to such recourse, the petitioner has filed the writ petition.

4. In view of the factual conclusion arrived at by the disciplinary authority based on the report of the Enquiry Officer, we are of the view that the same cannot be interfered by this Court. However, the said order can be challenged before the appellate authority. It is also brought to our notice that thereafter, one more opportunity is available, namely, by way of revision. In those circumstances, we inclined to give an opportunity to the petitioner to avail the same. Normally, at the time of final hearing of the writ petition, this Court won't direct the petitioner to avail the alternative remedy; however, in view of the factual conclusion arrived at by the disciplinary authority, we are of the view that the petitioner may be given an opportunity to putforth his grievance before the appellate and revisional authority.

5. On this ground, the writ petition is dismissed with a liberty to the petitioner to file an appeal to the above mentioned appellate authority. It is made clear that the entire time taken by the petitioner in prosecuting the above writ petition before this Court shall be excluded for the purpose of limitation. No costs. Consequently, connected WPMP.is closed.

gl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
1. The Commandant,
Union of India,
CISF XI Res.Bn.
Arokonam, Suraksha Campus
Vellore District, Tamil Nadu.

2. The Deputy Inspector
General/MEZ CISF,
41, Karaya Road,Park Circus, Calcutta.

1 cc to Mr.P.Thirumurthy, Advocate, SR.60278
1 cc to Mr.C.Krishnan, SCGSC., SR.59959
ava (co)

dv/20.12.06 Writ Petition No.41511 of 2002

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